COAST GUARD MISSION CAPABILITIES

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COAST GUARD AND MARITIME TRANSPORTATION

OF THE

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TRANSPORTATION AND
INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

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May 11, 2006,

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION, WASHINGTON, D.C.

The committee met, pursuant to call, at 10:00 a.m. in room 2167, Rayburn House Office Building, the Honorable Frank A. LoBiondo [Chairman of the committee] presiding.

Mr. LOBIONDO. Good morning. The Subcommittee is coming to order, and the Subcommittee is meeting this morning to review the Coast Guard's capabilities to carry out its many traditional maritime homeland security missions, as well as to examine the progress of several systems designed to enhance maritime domain awareness.

Over the last five years, the Coast Guard's budget, personnel level and mission scope have expanded to meet the Service's increased responsibility for maritime homeland security. However, it is unclear whether these enhanced maritime homeland security responsibilities are negatively affecting the Coast Guard's responsibility to carry out its many traditional missions. A GAO report in 2004 revealed that resource hours for many of the Coast Guard's traditional missions have decreased as demands of the port security missions have increased.

While I do not believe the number of hours devoted to each mission is a true indication of mission performance, I am concerned that the Coast Guard's traditional missions may be suffering as a result of the priority level of homeland security missions. At the same time, the Coast Guard's legacy vessels are increasingly unavailable, due to operational restrictions or unscheduled maintenance, caused by the unexpected deterioration of the assets.

For example, the 110-foot patrol boat fleet has experienced numerous hull failures, creating an overall readiness gap. These vessels will be replaced under the Deepwater program. But I am very, very concerned how any shortfall in asset readiness will affect the Coast Guard's mission capabilities in the meantime.

I hope to hear more this morning from the Coast Guard's plans to maintain a balance between all its missions and about the actions the Coast Guard is taking to improve the efficiency of each of its missions.

The Coast Guard currently is in the process of employing improved technology systems to enhance its awareness of activities occurring within the maritime domain. The Coast Guard has begun the national implementation of the Automatic Identification Sys-

tem, AIS, in U.S. ports and coastal waters. AIS will enhance the Coast Guard's capabilities to target and track vessels as they enter and exit our Nation's ports. This system, coupled with long range vessel tracking systems, will allow the Coast Guard to monitor commercial vessel traffic up to 2,000 miles from shore.

Under current law, the Coast Guard is required to develop and implement a long range vessel tracking system. However, no such system is in place today. I believe we must extend our tracking capabilities beyond our immediate coastal waters. I realize that the Coast Guard is working through the International Maritime Association to develop international standards for such a system, but this should not stop the United States from instituting its own program in the interim. I hope the witnesses will provide us with an update on this important program and an idea of when and where we should expect a final system to be implemented.

Lastly, the Coast Guard is in the process of recapitalizing its maritime control command and communications system through the Rescue 21 program. This program will allow the Coast Guard personnel to respond faster to maritime emergencies through the use of directional finding equipment that will aid in locating distressed mariners. Rescue 21 is already in place in my home State of New Jersey, and we have seen the tremendous upgrades that this program provides.

I hope to hear more about the plan for the implementation of this system nationwide and on how the Coast Guard plans to incorporate the capabilities of this program with the Service's other maritime domain awareness initiatives.

I want to again thank the witnesses for coming this morning. We look forward to hearing your testimony. Now I will turn it over to Mr. Filner.

Mr. FILNER. Good morning and thank you, Mr. Chairman, for this hearing.

As you may remember, several years ago when Admiral Collins testified before this Committee, he said that the multi-mission approach of the Coast Guard means they cannot carry out any of their missions optimally, but they can provide them in the most cost effective manner for our Nation. If we were to have different single purpose agencies for the various Coast Guard missions, they might be more successful carrying out those missions, but it would cost a lot more.

Since the transfer of the Coast Guard from the Department of Transportation to the Department of Homeland Security, we have seen a reduction of resources in traditional Coast Guard missions and an increase in homeland security missions of the Coast Guard. In the President's proposed budget for fiscal year 2007, the Administration is proposing to cut funding for marine safety programs from $502 million to $453 million, and cutting funding for search and rescue missions from $629 million to $569 million. Meanwhile, funding for port security would increase from $1.2 to $1.4 billion.

Now, the automatic identification system mentioned by the Chairman was developed as a collision avoidance system to help protect ships from colliding in our waters. The law requires, as you know, all commercial vessels over 65 feet long and all towing vessels over 26 feet to have an AIS system on board.

However, the Coast Guard's own regulations only require AIS systems for those vessels that operate in a so-called vessel traffic service area. As a result, if a towing vessel operates above Baton Rouge, Louisiana, they are required by law but not Coast Guard regulation to have an AIS system on board. I think it is time for the Coast Guard to recognize that this system was developed for prevention of marine casualties and not solely as a means of tracking vessels for homeland security purposes. Just because the Coast Guard can't track a vessel on the Mississippi River north of Baton Rouge doesn't mean that the vessels aren't required by law to have that AIS transponder.

Similarly, Congress has required these same vessels to have electronic charts on board beginning January 1st of 2007. However, the Coast Guard has not yet prescribed any regulations telling them what kind of electronic charts they have to have on board. Again, just because the Coast Guard doesn't prescribe the standards for electronic charts doesn't mean the vessel owners don't have to have them.

Congress wrote this statutory requirement to prevent accidents, like the one where the captain of the towing vessel Mauvilla got lost in the fog and struck a railroad bridge on September 22nd of 1993. Shortly thereafter, the Amtrak train, Sunset Limited, crossed the bridge and plunged into the waterway, killing 45 people. Electronic charts with GPS can prevent these types of disasters. So the Coast Guard, I think, needs to provide the resources necessary for the marine safety program to prescribe these regulations on time for the industry to comply with our statutory deadline.

If the Coast Guard is not committed or cannot carry out these statutory responsibilities for programs like marine safety, then maybe it is time that these functions be transferred back to the Department of Transportation. Vessel safety inspections, licensing of mariners, documentation of registration of ships, are exactly the same functions that are carried out by DOT today for both aviation and rail. Those safety responsibilities for these other modes of transportation were not transferred to the Department of Homeland Security, because they were not thought to be directly related to our security. But in fact, these safety missions of the Coast Guard were not transferred to the Coast Guard until after World War II and had been carried out previously by the Bureau of Marine Inspection and Navigation.

So these are issues I hope we explore today, Mr. Chairman. Thank you for scheduling this hearing. I look forward to working with you to ensure that there continues to be adequate support for all of the Coast Guard's non-homeland security missions as well as their homeland security function.

Mr. LOBIONDO. Thank you, Mr. Filner.

We are very pleased with the panel that has joined us. We have Rear Admiral Joseph L. Nimmich, Assistant Commander for Policy and Planning of the United States Coast Guard and Rear Admiral Wayne E. Justice, Director of Enforcement and Incident Management for the United States Coast Guard.

We thank you very much for being here. Admiral Justice, please proceed.

TESTIMONY OF REAR ADMIRAL WAYNE E. JUSTICE, DIRECTOR OF ENFORCEMENT AND INCIDENT MANAGEMENT, UNITED STATES COAST GUARD; REAR ADMIRAL JOSEPH L. NIMMICH, ASSISTANT COMMANDANT FOR POLICY AND PLANNING, UNITED STATES COAST GUARD

Admiral JUSTICE. Good morning, Mr. Chairman, distinguished members of the Committee.

It is our pleasure to appear before you today representing the men and women of the Coast Guard to discuss our continuing success in balancing the Coast Guard's organizational performance across our missions. Additionally, we will provide you with an update on the Coast Guard's ongoing efforts to improve our mission performance for the scope and application of technology to the Nation's maritime domain awareness needs. I ask that my written statement be entered into the hearing record.

The Coast Guard's world of work is our oceans, lakes, rivers, harbors and our waterways. It is the maritime domain and it is unique. Distinct from land borders characterized by clear, easily distinguished legal boundaries, our oceans represent the last global commons. It is fundamental to our own and the international communities' economic prosperity.

As a result, maritime safety and security are not just issues of U.S. national interest, but of global stability. The maritime domain is extremely intricate and unparalleled by the variety of users.

Our Nation has built a Coast Guard within the Department of Homeland Security that is able to successfully operate in this complex and unique environment. The Coast Guard exercises authorities and deploys capabilities to guarantee the safety and security of the U.S. maritime domain. That's who we are: military, multimission and maritime.

While the character and the nature of our service are clear, our missions are by no means static. New threats emerge as others are mitigated, and the Coast Guard's capabilities, competencies, organizational structure and processes must evolve accordingly. The Coast Guard must be steadfast in its character but adaptive in its methods.

The Coast Guard is the lead Federal agency for maritime homeland security, a role supported by its unique complement of authorities, maritime capabilities, proven competencies and longstanding domestic international partnerships. Carrying out this role requires a Coast Guard that is ready to act, enabled by awareness and well equipped.

In addition to current activity levels, focus should be on examining the Coast Guard's results with respect to its performance targets and the degree to which the Coast Guard continues to mitigate risks for me in the maritime domain across all missions. The post–9/11 environment demands that we focus on addressing the threats, reduce risk in the maritime domain and strive to achieve our performance goals in all mission areas.

The Coast Guard has successfully insured that both homeland security and non-homeland security missions are properly executed. We met 8 of our 11 mission goals in fiscal year 2005 through a balanced allocation of resources across all Coast Guard mission programs. While we do not have the final results of the fiscal year

2006 performance, all indications are that the balance of performance will be similar to that of 2005.

Coast Guard forces are flexible, rapidly deployable and able to respond to crises in a full range of capabilities. The Coast Guard has adapted to growing mission demands, to enhanced maritime security, while continuing to meet other mission requirements. Examples of these growing demands include natural disaster response, drug and migrant interdiction, military security, and support for Operations Iraqi Freedom and Enduring Freedom.

Looking forward to fiscal year 2007, our budgets and missions further strengthens the Coast Guard preparedness across all our missions and enhances our capability to respond to all hazards and threats within the maritime domain. Our fiscal year 2007 budget submission, among other things, reduces the inflationary cost gaps for depot level maintenance and energy resources, supports the medium endurance cutter mission affecting this project and funds Deepwater logistic support.

Equally important to readiness and awareness is equipping and training the Coast Guard personnel with capabilities and competencies to respond effectively. For example, the advance notice of arrival requires vessels entering the United States, it is critical to understand who and what is arriving in order to identify potential threats. However, if Coast Guard assets do not have the capabilities necessary to deal with these identified threats early and effectively, an opportunity to mitigate risk is lost.

Fiscal year 2007 budget initiatives include funding the Deepwater modernization program, Rescue 21, National Capital Region Air Defense Infrastructure and Operations, enhancements to maritime security and response team, and our airborne use of force operations. Additionally, securing our vast maritime borders depends upon our ability to enhance maritime domain awareness, which Rear Admiral Nimmich will further discuss.

Thank you. It is an honor to be here, sirs, and I look forward to answering your questions.

Mr. LOBIONDO. Thank you, Admiral Justice.

I would like to ask unanimous consent that Mrs. Kelly be allowed to participate in this hearing. Thank you.

Admiral Nimmich, please proceed.

Admiral NIMMICH. Good morning, Mr. Chairman and distinguished members of the Committee. It is a pleasure to be here with you today to discuss the Coast Guard's maritime domain awareness efforts. Because of its vast size and complex nature, the maritime domain is particularly susceptible to the exploitation by individuals, organizations and nations. It uniquely facilitates freedom of movement and flow of goods while allowing people, cargo and conveyances to transit with a degree of anonymity generally unavailable with land and air movement.

To counter these threats, the foundation of our maritime strategy relies on three key points: achieving maritime domain awareness, establishing and leading a maritime security regime; and the deployment of effective and integrated operational capability. These are not standalone goals, but rather part of an active system of layered maritime security. Enhancing our awareness in the maritime domain will only be made possible by improving our ability to col-

lect, fuse, analyze, display and disseminate actionable information and intelligence to our operational commanders.

This awareness must become increasingly comprehensive as potential threats approach the U.S. coast. We must know what is normal and what is not normal throughout the marine transportation system and the maritime domain, so we can best assess potential risks and take the appropriate actions.

The collection to dissemination process emphasizes unity of effort between all levels of government, the private sector and our international partners with the following goals in mind: enhance transparency in the maritime domain to detect, deter and defeat threats as early and as distant from our shores as possible; enable accurate, dynamic and competent decisions and responses to the full spectrum of the maritime threat; persistently monitor vessels and craft, cargo, crews and passengers, in identified areas of interest in the global maritime domain, and then fully adhere to the law to ensure the freedom of navigation, the efficient flow of commerce and individual rights.

Thanks to the strong support of the Administration, Congress and this Committee in particular, a number of initiatives are underway to transform Coast Guard capabilities to align with these national goals and the efforts of our partners. However, we must do more than provide improved capabilities. Our efforts must also include policy, technology and operation contributions that will enable enhanced global maritime security.

I would like to provide you with three examples related to partnerships, research and technology deployment. In partnerships, we are establishing partnerships to share information and better leverage resources. These efforts include partnerships with Federal departments such as the Project Seahawk in Charleston, and the Joint Harbor Operations Centers with the Navy and other partners in San Diego and the Hampton Roads.

Internationally, we are developing information sharing agreements with a number of other maritime nations, as well as pursuing global solutions at the IMO, International Maritime Organization. In research, we are also partnering with the Department of Homeland Security, Science and Technology Directorate, as well as numerous entities within the Department of Defense to explore technological solutions to some of our thorniest problems.

We have just completed the first stage of an effort to look at probably our most difficult problem: assessing, collating and organizing all the relevant, existing data about a given vessel, its cargo and its persons and identifying that and tracking it with the vessel. Technological deployment, we are finally taking a serious and deliberate look at our needs and how to prioritize and address them with technology that is available today.

Through the Presidentially-chartered Maritime Domain Awareness Implementation team, our senior officials from across every Federal department are looking at their roles, responsibilities, existing capabilities and gaps in the Nation's maritime awareness. The MDA implementation team will develop, among other things, a coherent, integrated, interagency investment strategy that will help leverage existing capabilities and guide future budget efforts.

Mr. Chairman, this Committee has played a significant role in the Coast Guard's recent noteworthy achievements and our ability to balance all of its post–9/11 missions. I would like to thank you for your strong support on behalf of the military, our civilian and our auxiliary volunteers.

Mr. LOBIONDO. Thank you, Admiral.

I would like to turn to Mr. Filner to start off questions.

Mr. FILNER. Thank you, Mr. Chairman, and thank you, Admirals, for being here. When we began this experiment of giving the Coast Guard new homeland security duties on top of the traditional role of the Coast Guard, we all wondered aloud, I think, whether that could be done successfully, and whether there were sufficient resources and sufficient adaptability of the organization to do that.

And let me just ask some questions about that, if I may. As I understand it, you have created sectors in your organization that merge maritime safety with operations centers. Now, that may make sense for homeland security. But the other aspects of your role, for example, marine safety, may be compromised. For example, can it happen that someone with little or no experience in marine safety be put in charge of the whole operation in a port, like a helicopter pilot? Is that possible under that new organization and how do you compensate for that?

Admiral JUSTICE. Great question, sir.

We absolutely look at the skills sets of our sector commanders. I will speak from my experience. I just spent three and a half years in Miami, sir, where we stood up sectors. We made sure across the Seventh Coast Guard District, as we put people in San Juan and St. Petersburg and Miami and Key West and Charleston and Jacksonville that the skills sets required, whether they be search and rescue, law enforcement, maritime security and safety, were filled by the commanding officers.

And if the CO, if the commanding officer didn't come in with that strongest background in one of the missions, he made sure that the executive officer, the deputy, the number two person, had that skill set. That was done very distinctly and with great forethought, sir.

Mr. FILNER. I'm sorry you didn't use the West Coast for your example.

[Laughter.]

Mr. FILNER. But they may put me in charge of the San Diego sector, and that really would be a problem.

Have you thought about hiring, for example, civilian maritime safety officers or inspectors who would have experience directly in that field? You rotate people around, you have to try these balancing acts. Do you have any plans to hire civilian inspectors?

Admiral JUSTICE. Specifically, I can't answer that, but I do know that we absolutely have that option and we do take the opportunity to hire civilians into the Coast Guard world that would provide continuity. I know for a fact we have done it in the search and rescue world, in our command centers at these sectors. We have taken the opportunity to put one or two civilians in there, to add some continuity and some local knowledge to those programs. So yes, sir.

Mr. FILNER. OK. I hope you will look at that for these sector kinds of issues.

Just quickly on Katrina, where we have consistently praised the Coast Guard for its response, as this crisis is prolonged, I guess, you have had to reallocate resources and now we are told by some of the vessel owners that people who were conducting safety inspections are now doing other things. So they are not sure they are going to have their certificate of inspection on time.

Do you have enough inspectors in the Gulf of Mexico to make sure that that won't happen?

Admiral JUSTICE. I would answer that, yes, we do. I would answer that, and I appreciate your calling that to my attention. What we do also, as we showed in Katrina, we have the ability, if we find an area that is light, we will surge people to that area to make sure we can respond to the needs of that mission.

Mr. FILNER. I hope so. Maybe we can get you those exact problem areas that have been referred to us so that we can make sure that doesn't occur.

Mr. Chairman, I am not sure how you are going to handle the vote that is going on now.

Mr. LOBIONDO. It is going to be a long day.

We have about 11 minutes left in this vote. I don't want to cut Mrs. Kelly off, so what I am going to ask for is a brief recess. It looks like only one vote. As soon as we can get over and vote and get back, we will pick back up again.

So the Committee stands in recess.

[Recess.]

Mr. LOBIONDO. The Committee will come back to order.

I will now recognize Mrs. Kelly.

Mrs. KELLY. I first want to thank you, Mr. Chairman, for allowing me to sit in. I very much appreciate this.

My concern is that the Indian Point nuclear facility lies in my district in Westchester County. It has a very close proximity with New York City, and it is a highly visible target for terrorists. And security of the plant is a top priority of mine. You may or may not know that the planes that took down the World Trade Towers flew over the Indian Point nuclear facility on their way to New York City.

Currently, outside of the private security that is provided by the plant's owners, the main source of protection is the New York Naval Militia. Two militia vessels are stationed in the Hudson near the Indian Point patrol for water-borne attacks. The Naval Militia is good, brave volunteers who have an unfortunate lack of adequate resources.

As you can imagine, I am very interested in what the Coast Guard is doing to augment this really strong volunteer force, and gentlemen, I have been on the boat with them. So I know what they are doing, I know how they are equipped, and I am interested in what you are doing to try to support them. I don't feel that what you are doing is enough.

I was told in January that the Coast Guard conducts a weekly patrol of a power plant with a cutter, WLR, it is a 65 foot inland tug. That is the picture of the tug. And I also understand the Coast Guard provides a weekly fly-by.

Admiral Nimmich, both you and I know that the Coast Guard tug is not a fast or a well-armed vessel. What the people have on

that vessel in terms of guns is sidearms. The WLR's top speed is 10 knots. Anyone, including a terrorist, can buy a boat that is two or three or four times faster than the WLR.

I don't know how the Coast Guard intends to stop a high-speed boat loaded with explosives with people who want to kill themselves, blow themselves up with the boat. I don't know how they expect a tug to be effective at that. The terrorists have used boats like that in the past in Israel and in locations in the Persian Gulf. I am wondering if it wouldn't be more appropriate to assign a high speed patrol boat with a weapon that can sink a boat, like a Cyclone or an Island class cutter.

Small arms are only going to deter somebody. They can't stop a boat crew that wants to die. The only weapon, it needs to be at least a 25 millimeter or higher cannon, and the WLR has no fixed armament, with the Coast Guard and Israeli experience with suicide boats show a boat sinking weapon of 25 millimeters is need. There are no WYTL class tugs that have ever been deployed in the Persian Gulf to protect. Neither we nor the Israelis guard our naval port facilities in the Middle East with tugs.

So why would the Coast Guard use a tug for a waterside nuclear facility in New York? That is my question.

Admiral JUSTICE. Yes, ma'am. Thank you for the question.

As the Coast Guard works with the industry, State, locals, as we look at the infrastructure that needs protection in an area. We look at it, we see what is available, we see what the security plans are. Then as we take the threat-based approach to it, then there is, what kinds of resources can we apply, given the piece.

What I would answer would be that, on this issue, I will take back this issue, we would be happy to talk with our people in New York. I will say that I actually agree with your construct that that vessel in itself is not properly armed to do the mission that you are talking about. What the depth of the water is there, I can't really speak to the peculiarities of the security.

Mrs. KELLY. It is a pretty good deepwater port.

Admiral JUSTICE. And how far away the plan is from the beach and all those sorts of things. But I absolutely will take this back and we will look at what is being done and what else might be done, different sorts of assets that would be available to property attend to that concern.

Mrs. KELLY. If we were able to have a cutter, if we were able to have a 25 millimeter or larger gun, I would feel a lot more comfortable about the job that the Coast Guard is doing. Because we right now are being protected by naval militia volunteers in a boat that they themselves have been working on to make it seaworthy.

You talked about identified areas of interest being the things you want to protect. It seems to me that this is something we need to look at. I don't know what the Coast Guard uses to protect a high value asset in a central command. Is it a boat like that or more?

Admiral JUSTICE. Certainly not. But this location and area that you are talking about there gets into, it is a risk mitigation strategy, and what are the threats and how—we just can't protect everything with the best assets that we have. That remains, of course, a struggle that we are here talking about today, is how do

we balance where we are going to put those assets to get the most effective use out of them to deter just what you are talking about.

Mrs. KELLY. Well, that tug is plying the river. That tug also comes from New York City. So what you have with that tug is a way of, I assume, you are using it as a protective device from the river. But it is also New York City. So anything that is coming up to protect the nuclear plants is also going to be something I am sure you are going to be using for the ports in New York.

Admiral JUSTICE. Right.

Mrs. KELLY. Perhaps we need to change the asset there and move from a 10 knot tug to something that does have the armament that would stop people who are bent on a suicide destructive act, with a loaded boat. And we should put the affixed armament in a way that fixed armament is out there, visible, so they know we will blow that boat up before it gets to shore.

Admiral JUSTICE. Yes, ma'am.

Mrs. KELLY. I thank you, Mr. Chairman, for allowing me to come and speak——

Admiral NIMMICH. Mr. Chairman, if I may?

Mrs. KELLY. Yes.

Admiral NIMMICH. Ma'am, what I want to add to the picture is, as you know, that is a very well traveled and highly dense pleasure boat area. They move up and down in a very narrow channel. One of the things that we need to look at is not just how to stop but how to prevent, what is the awareness we have, what is the regulatory framework by which we know what those boats are and what their intent is, not just merely the end product, but stop it before those explosives travel down the river, stop it at its source.

So I ask that as we talk about the technologies and the information sharing and the regulatory framework we will need to put in place about knowing what recreational boats are doing, where they are going, who is on board, licensing of recreational boat operators, should be equally as important as how do we put the end, if we fail all the way up, we need that measurable line. But we really don't want to even get to that point where we have to use force. We really want to prevent it through knowledge up front.

Mrs. KELLY. And I agree with you on that score. However, if we don't have the force in place, we couldn't use it if we needed it. And New York is a prime target. New York is the only place where we have experienced terrorism on our shores.

The thing is that within the area of the nuclear plants, there are 20 million people. If you expand that, if there is an explosion at that plant and there is a release of some kind of nuclear material that goes into the air, that population grows to 50 million if there is a southern wind. There are so many people there, it is a high priority target for the terrorists. We need to be able to protect that target. And if you can do anything to help us do that, I would really, I think that the people in the area would feel a lot more comfortable than what we have now.

I know the river.

Mr. LOBIONDO. Mrs. Kelly, would you yield?

Mrs. KELLY. Yes.

Mr. LOBIONDO. There is something you can do. There is something that every member in Congress who comes to this Committee

with a request like this can do. That is, redouble your efforts on Deepwater. They don't have the assets. We have this day in and day out.

And we have a plan in place. We first want to keep it from slipping. We secondly want to accelerate. If Deepwater were fully online and everything were flowing with new assets coming in, the Coast Guard would be in a much better position to tell you an absolute yes.

So I am sure they are going to go back, I am sure you have done a good job articulating this. But we are going to have another battle this year. The battle is shaping now. And again, we have a number of members who come in with similar type concerns, and the Coast Guard does a magnificent job with the resources at their disposal.

But unless Operation Deepwater kicks into high gear and we get the money to keep it flowing, we are going to continue to have requests like this.

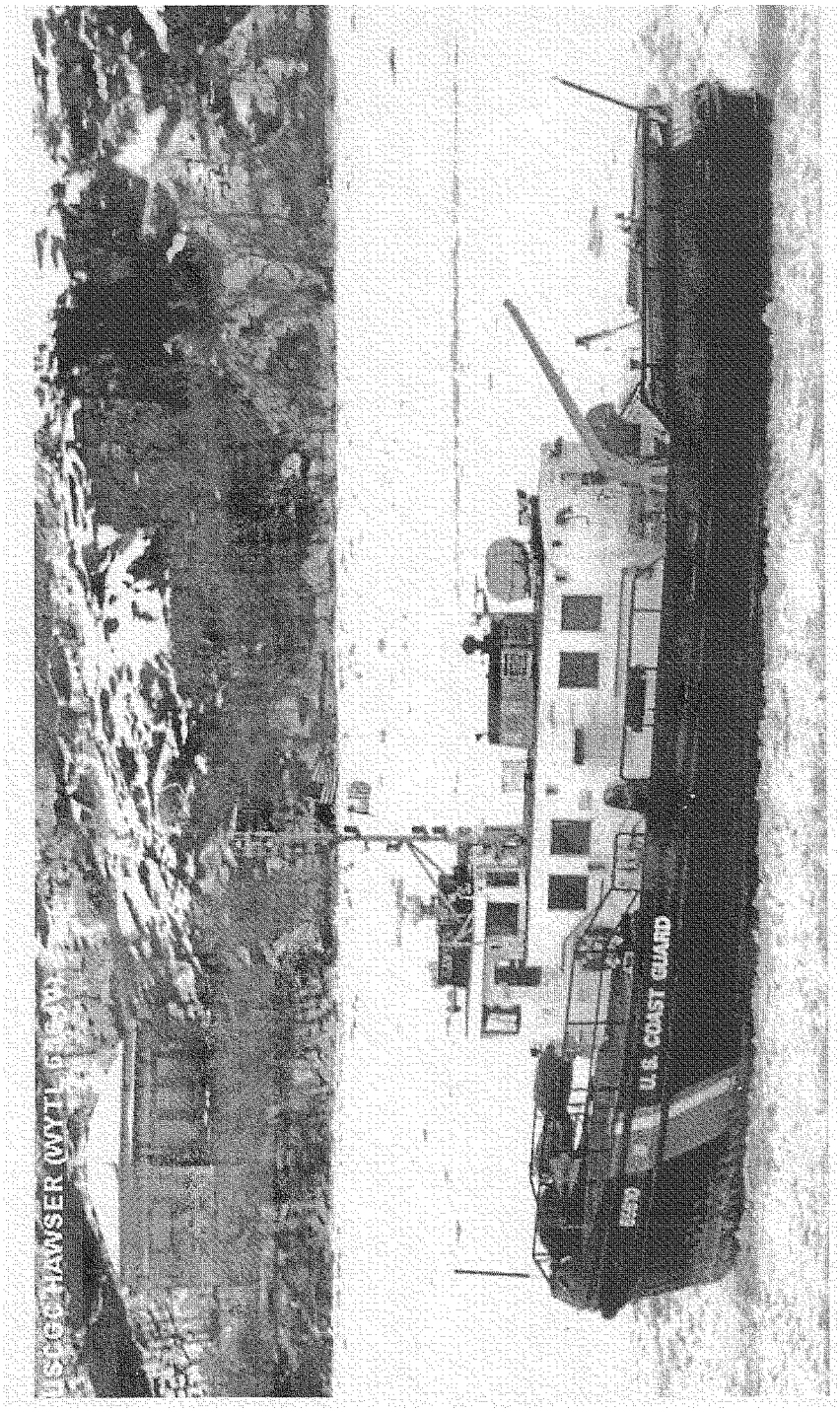
Mrs. KELLY. Mr. Chairman, you probably know I stand right with you on this. Operation Deepwater is absolutely essential for the safety of the Nation. I certainly hope we are able to get Operation Deepwater passed and get you the money we need. This is high priority for the safety of all of us, but especially for people like the Chairman from New Jersey and me, from New York. We are in the target zone. We have experienced it. We know what it feels like, and we don't ever want this to happen again.

So we will help, whatever we can do. And if there is something that we can do to help you, Admiral Nimmich, to get started on the study, I am glad to work with you in the Hudson region. A good part of the Hudson Valley falls within my district, and I am glad to be able to help you do anything I can there.

Admiral NIMMICH. Thank you, ma'am.

Mrs. KELLY. I thank you, and thank you again, Mr. Chairman, for letting me come

[Photographs submitted by Rep. Kelly follow:]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U.S. COAST GUARD

Mr. LOBIONDO. Thank you.

I have a couple of questions I would like to ask. This sort of points at the discussion we have been having. But very pointedly, does the Coast Guard currently have adequate resources, including funding, personnel and assets to carry out all of its homeland security and traditional missions? Whoever wants to take a stab.

Admiral JUSTICE. Sir, that is a tough question, sir. The answer is that we have been magnificently funded, increased over the last few years. We have taken those resources that have been given to us and we work hard, across all missions, to focus on, we set goal for results, and we strive to get those results. And each year, it is not each year, it is each month, it is every quarter, we see how we are doing as we get toward those results. And if need be, we shift resources to react.

And then of course, as importantly, sir, I do want to make the point that on top of the attending to our resources on a daily, weekly and monthly basis, you have built a surge capacity to be able to, like last summer, take Coast Guard completely out of the entire Country, go somewhere, do something very important, very needed, but still leave behind enough to get some adequate work done. So all those things go into the mix.

Mr. LOBIONDO. I certainly agree that the Coast Guard has done a magnificent job with the assets provided. But I guess it really wasn't a fair question, because the answer is obviously no. And the Coast Guard, the point I am trying to make is, the Coast Guard, over a long period of time, when asked that question over and over again, always said yes, we can do it. And the realities are that we are now in a position where we can't do it all because of how much has been thrown onto your plate.

I think that the Coast Guard from top to bottom has got to understand a clear mission to articulate why you can't do things like Mrs. Kelly is asking for and why you can't do everything that is asked for.

Along those same lines, has the deterioration of the 110 foot patrol boat class and operational restrictions on the 123 converted boats affected the Coast Guard's ability to carry out its missions?

Admiral JUSTICE. Yes, they have. Absolutely, sir. As I mentioned, I have just spent three plus years in Miami, very up close with our counter-drug and our counter-migrant mission down there. The patrol boats are the backbone of getting that mission done there, as well as they are out in San Diego and as well as they are doing fisheries up in New England. Our patrol boat challenge is there. We have a Deepwater solution. The Deepwater solution has been moved up in the cycle to be sooner than later. However, that answer is not here yet.

In the meantime, there has been mitigation that we have to do to take care of the patrol boat challenge. That includes, we have gotten patrol boats from the Navy, as you know, the 179 foot patrol boats that worked very well for us. We have had more 87 foot patrol boats that have been purchased and brought online, and we have used them as, they are not as capable maybe as a 110, but they do get the job done, as Coast Guard people do that.

We continue to leverage our partners, particularly our DHS partners, to be smarter and to use their assets to support the patrol

boats as needed. And as well, we have taken an aggressive effort to maintain the 110s. We have a 110 foot maintenance program at the Coast Guard yard that we are going to cycle these boats through that will get them, keep them around for a longer period of time.

So all of that goes into trying to mitigate this patrol boat gap that we definitely have, sir.

Mr. LOBIONDO. Switching gears a little bit, can you tell me the time line for having Rescue 21 in place by region?

Admiral JUSTICE. Yes, sir, I can speak to it, and also I can submit a more formal answer for you. We are finishing the LRIP phase, as you know, in Mobile and St. Petersburg. Then we start to, as we finish the IOC phase in Atlantic City and the Eastern Shore, we will start to roll it out and we start to move north and south from there in year 2007. The goal, sir, of course, is to have it all done by 2011.

It would be easier to get a picture to you with all the dates on it and provide it to you.

Mr. LOBIONDO. You'll submit something to us?

Admiral JUSTICE. Yes, sir.

[The information received follows:]

The Rescue 21 Ground Subsystem (GSS) Installation timeline provided below reflects Fiscal Year start/completion dates by region.

Rescue 21 GSS Schedule

Fiscal Year Start/Completion Dates By Region

Note: **IOC**: Initial Operating Capability, **LRIP**: Low-Rate Initial Production, Others are Full Production, with Full Operating Capability 2011
Western Rivers: Recap Current Coverage/Capability Only

Mr. LOBIONDO. OK. It has been three years since the long range vessel tracking system was authorized under the Maritime Transportation Security Act. And I understand the need that has been articulated, to work through the International Maritime Organization on this issue.

But has the Coast Guard set up a voluntary program in the interim?

Admiral NIMMICH. Sir, we have voluntary programs where people can provide information. But as we talk in terms of long range tracking, I want to make sure that you're comfortable and aware that there is a long range tracking, non-voluntary system using national assets that we can give you a further brief on in a classified setting. So there is tracking of vessels.

The voluntary tracking and the providing of voluntary information, which is critical to validate against those other systems that we would use, we have put out several experiments, some tests and evaluation and we are working very closely with IMO. We have Coast Guard flag officers at IMO as we speak now, and we believe we will get the long range tracking validation we want.

The critical piece is it would be purely voluntary if we don't go with IMO. So having voluntary without any regulatory framework on which to enforce it doesn't protect you very much more than not having a voluntary system.

Mr. LOBIONDO. According to previous Coast Guard reviews, the AIS transponders would have resulted in only a .05 percent reduction in the number of fishing vessel casualties that occurred between 1994 and 2000. How do the cost of imposing AIS carriage requirements on all fishing vessels compare to the benefits that can be expected from such a requirement?

Admiral NIMMICH. Well, sir, as you know, the legislation in ESA 2000 required that fishing vessels be included in their 65 feet and greater. As you indicated in your opening remarks, or Representative Filner indicated in his opening remarks, we have not closed that gap and we are moving in that direction.

We have a notice for public rulemaking prepared to be released in the very near future that starts to close that gap. We are working with the fishing industry to find a viable solution between the vessel monitoring that they are currently required under fishing regulations and the AIS we would like for broader information, both for safety, but also security, and how we might be able to utilize that VMS information in a way that would produce what we need on the security side.

As you know, that is point to point information that is restricted in our use. So if we can expand the use of that information, we may be able to find a compromise position with the fishing industry. We are looking at that now, sir. But even that 5 percent, if it saves a few lives, may be worth that $3,000 to $4,000 investment for an AIS system on a fishing vessel.

Mr. LOBIONDO. OK. I think that is all I have at this time. I want to thank you both for being here, and the Committee stands adjourned.

[Whereupon, at 11:40 a.m., the committee was adjourned.]

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DEPARTMENT OF HOMELAND SECURITY

U. S. COAST GUARD

STATEMENT OF

REAR ADMIRAL WAYNE JUSTICE

AND

REAR ADMIRAL JOSEPH NIMMICH

ON

COAST GUARD MISSION CAPABILITIES

BEFORE THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION

U. S. HOUSE OF REPRESENTATIVES

MAY 11, 2006

Introduction

Good morning Mr. Chairman and distinguished members of the Committee. It is our pleasure to appear before you today to discuss our continuing success in balancing Coast Guard's organizational performance across all eleven missions and to provide you with an update on the Coast Guard's ongoing efforts to improve our mission performance through the skillful application of technology to the Nation's maritime domain awareness needs.

The Military, Multi-Mission, Maritime Coast Guard

The Coast Guard's "world of work" is our oceans, seas, lakes, rivers, bays, sounds, harbors and our waterways this is the maritime domain and it is unique. Distinct from land borders characterized by clear legal boundaries, our oceans represent the last global commons. We live in an interconnected world. Nowhere is this fact more exemplified than in the maritime domain. It is fundamental to our own and the international community's economic prosperity. As a result, maritime safety and security are not just issues of U.S. national interest and security, but of global stability. The maritime domain is also enormously complex, with an unparalleled variety of users. From the world's largest cruise ships and tankers to professional fishermen and weekend boaters, the profiles of maritime users are as varied as the jagged coastlines surrounding our country.

Thankfully, the nation has built a Coast Guard within the Department of Homeland Security that is able to successfully operate in this complex and unique environment. Single-purpose agencies such as the Revenue Cutter Service, the Lifesaving Service, and the Lighthouse Service have been integrated over the last century into the uniquely effective and efficient Service we are today. The Coast Guard you oversee, the Coast Guard that we have collectively built has a relatively straightforward purpose – exercise authorities and deploy capability to guarantee the safety and security of the U.S. maritime domain. That is who we are, what we are charged to do, and represents the core character of the service. We are military, multi-mission, and maritime.

While the character and nature of our Service are clear, our missions are not static. New threats emerge as others are mitigated and Coast Guard capabilities, competencies, organizational structure and processes must change accordingly. The Coast Guard must be steadfast in its character, but adaptive in its methods.

We now must adapt to the reality of an ever-changing maritime domain. Our mandate and responsibility, indeed our passion, is serving the Nation with the best leadership, authorities and capability we can muster.

The Coast Guard is the lead Federal agency for maritime homeland security; a role supported by its unique complement of authorities, maritime capabilities, proven competencies, and longstanding domestic and international partnerships. Executing this role requires a Coast Guard that is ready to act, enabled by awareness, as well as equipped to sustain an effective presence and mount an effective response to the complex and dynamic maritime environment.

The Coast Guard – A Balanced, Multi-Mission Service

Today's Coast Guard is better and more relevant than ever to the Nation, and in examining mission balance, it would be a mistake to compare the Coast Guard's activity levels before and after 9/11. Rather, the focus should be on examining the Coast Guard's performance with respect to its performance targets, and the degree to which the Coast Guard continues to mitigate risk in the maritime

domain *across all missions*. The post-9/11 environment demands that we: 1) focus on addressing the new threats, 2) reduce risk in the maritime domain, and 3) strive to achieve our performance goals in each mission area.

The Coast Guard has successfully ensured that both Homeland and Non-Homeland security missions are properly executed. We met eight of our eleven mission goals in fiscal year 2005 through a balanced allocation of resources across all eleven Coast Guard mission programs. The three missions that missed their targets were Living Marine Resources (LMR) fisheries compliance (96.4% achieved versus 97% target), Undocumented Migrant Interdiction (UMIO – 85.5% achieved versus 88% target) and Defense Readiness combat readiness rating (69% achieved versus 100% target).

To achieve this mission balance, the Coast Guard allocated approximately 46% of its mission resources toward its Safety and Waterways Management (also referred to as Maritime Mobility) goals and allocated approximately 54% of its mission resources toward its Security and Defense goals. While we will not have the final results tally of our fiscal year 2006 performance until the spring of 2007 (boating fatality data comes to us via the states on their calendar year schedule), all indications are that fiscal year 2006 will have achieved a Coast Guard mission performance balance similar to that of fiscal year 2005.

Coast Guard forces are flexible, rapidly employable and able to respond to crises with a full range of capabilities. The Coast Guard has adapted to growing mission demands to enhance maritime security while continuing to meet other mission requirements. For example, in 2005, the Coast Guard:

- *Secured the maritime border:*
  - Completed verification of security plans, required by the Maritime Transportation Security Act (MTSA), for U. S. port and facilities and vessels operating in U. S. waters;
  - Completed 31 foreign port security assessments in order to improve our awareness of foreign port compliance with international requirements;
  - Prevented more than 338,000 pounds of cocaine (an all-time maritime record) and over 10,000 pounds marijuana from reaching the United States;
  - Interdicted nearly 9,500 undocumented migrants attempting to enter the country illegally by sea, the second highest number of any average year in the past 20 years;
- *Enhanced national maritime preparedness:*
  - Began comprehensive security reviews of waterside nuclear power plants;
  - Created formal processes for addressing security concerns and requirements involving the siting of new shore-side Liquefied Natural Gas facilities;
  - Established a new Area Maritime Security Exercise program requiring annual local exercises, and is designed to assess the effectiveness of the Area Maritime Security Plans and the port community's preparedness to respond to security threats and incidents. Funding appropriated for fiscal year 2006 will bolster this effort significantly.
- *Strengthened partnerships:*
  - Established a National Maritime Security Advisory Committee in order to provide a strategic public-private forum on critical maritime security topics;
  - Launched *America's Waterways Watch*, a citizen involvement program that leverages the Coast Guard's relationship with the maritime public;

- Deployed the *Homeport* information sharing web portal, which allows for collaboration and communication in a controlled security environment (for sensitive but unclassified material) among Area Maritime Security Committee members and port stakeholders at large;
- Conducted more than 268,000 security patrols, 5,800 air patrols and 10,000 security boardings; and
- Provided security escorts to over 10,000 vessels.

- *Saved lives and property:*
  - Saved over 33,000 lives in the wake of Hurricanes Katrina and Rita, the largest search and rescue operations in United States history;
  - In addition to hurricane response, responded to more than 32,000 calls for maritime rescue assistance;
  - Saved the lives of over 5,600 mariners in distress;

- *Protected the environment:*
  - Boarded more than 6,000 fishing vessels to enforce safety and fisheries management regulations, a 30 percent increase over 2004;
  - Conducted more than 3,000 inspections aboard mobile offshore drilling units, outer continental shelf facilities and offshore supply vessels;
  - Responded to 23,904 reports of water pollution or hazardous material releases from the National Response Center, resulting in 4,015 response cases;

- *Facilitated maritime commerce:*
  - Kept shipping channels and harbors open to navigation during the Great Lakes and New England winter shipping season;
  - Ensured more than 1 million safe passages of commercial vessels through congested harbors, with Vessel Traffic Services;
  - Maintained more than 50,000 federal aids to navigation along 25,000 miles navigation channels;

- *Supported national defense*
  - Safely escorted more than 169 military sealift movements at 13 different major U.S. seaports, carrying more than 20 million square feet of cargo;
  - Maintained an active patrol presence in the Arabian Gulf in support of U.S. Navy and allied naval units

Looking toward fiscal year 2007, our budget submission has us poised to take another step forward to further strengthening your Coast Guard's preparedness across all of our missions, to further improve your Coast Guard's ability to monitor, detect, and classify friend and foe within the maritime domain and to enhance our capability to respond to all hazards/all threats in the maritime domain. Our fiscal year 2007 budget submission "value proposition" can be summarized as follows:

Strengthen Preparedness. Coast Guard readiness is a cornerstone of national maritime preparedness. Strengthening preparedness within the U.S. maritime domain is a core competency and responsibility of the Coast Guard. It depends directly on the readiness of Coast Guard cutters and aircraft, infrastructure and personnel. The FY 2007 requests funding to preserve and strengthen Coast Guard readiness. Relevant budget initiatives include:

- Depot level maintenance and energy account: **$51.3 million** to close inflationary cost growth gaps. These are bills that must be paid; without increased funding, Coast Guard readiness will be eroded.

- Medium endurance cutter mission effectiveness project: **$37.8 million** to support the Mission Effectiveness Project (MEP) for 270-foot and 210-foot Medium Endurance Cutters (WMEC). Our 210-foot and 270-foot cutters are currently operating with obsolete equipment and subsystems that must be replaced. The project includes replacing major sub-systems such as small boat davits, oily water separators, air conditioning and refrigeration plants, and evaporators. The main propulsion control and monitoring systems will also be upgraded. This effort is vital to sustain our legacy fleet of medium endurance cutters until they are recapitalized.

- Operations and Maintenance for new assets: **$30.5 million** to fund operations and personnel for the airborne use of force program, the first national security cutter, new maritime patrol aircraft and secure communications systems; **$42.3 million** for Deepwater logistics support.

- Personnel protective equipment: **$7.2 million** to replace obsolete oxygen breathing apparatus aboard ships and training centers with safer self-contained breathing apparatus (SCBA). Over the past 30 years, all shore-based Federal fire fighters, the Military Sealift Command, all western navies, all merchant ships, the U.S. Air Force and all U. S. Navy flight deck personnel have adopted and use exclusively the open circuit SCBA. The Navy is currently replacing all their OBAs with SCBAs. This leaves the Coast Guard as the only fire fighting organization without SCBA for its personnel. In order to ensure the personal protection of Coast Guard personnel while serving aboard Coast Guard cutters, the transition from using the obsolete OBA to the SCBA is essential.

- Shore infrastructure and aids-to-navigation: **$25.9 million** to recapitalize aids-to-navigation nationwide and rebuild or improve aged shore facilities in Cordova, Alaska (housing), Integrated Support Command Seattle and Base Galveston. These funds are necessary to improve critical shore infrastructure essential to supporting Coast Guard personnel as they execute missions and operational requirements.

Enhance Capability. Just as important to being ready and aware is equipping and training Coast Guard personnel with the *capabilities* and competencies to respond effectively. For example, the advance information required of vessels arriving to the United States is critical to understanding who and what is arriving in order to identify potential threats. However, if Coast Guard cutters and aircraft do not have the capabilities necessary to deal with identified threats early and effectively, an opportunity to mitigate risk is lost. Relevant budget initiatives include:

- Deepwater: **$934.4 million** (total). The FY 2007 request for the Deepwater program reflects the Administration's continued commitment to the recapitalization of the Coast Guard's aircraft and ships, and the network that links them together into an integrated system. More capable and reliable cutters, boats, aircraft and associated systems will enhance safety and

security in U. S. ports by improving the Coast Guard's ability to perform all its missions. Specifically, the fiscal year 2007 request provides funding for the fourth National Security Cutter, the first Fast Response Cutter, HH-65 and HH-60J conversions, new maritime patrol aircraft, HC-130J operations, sustaining the HC-130H, arming two HH-60's and 34 HH-65's at seven Air Stations, and development of shipboard and land-based vertical unmanned aerial vehicle systems.

- Rescue 21: The FY 2007 request for **$39.6 million** is to continue system design (two locations), preparation (four locations) and installation (seven locations). The Rescue-21 project represents a quantum leap in maritime communications technology, enhancing effectiveness across all coastal missions.

- National Capital Region air defense: The FY 2007 request for **$62.4 million** is to establish infrastructure, acquire additional aircraft and fund operations for this newly assigned homeland security mission in the Nation's capital. The air defense mission in the National Capital Region rests with the Department of Defense (DOD) under the construct of OPERATION NOBLE EAGLE. Through a Memorandum of Understanding, DOD has assigned this requirement to the Department of Homeland Security (DHS). The Coast Guard has been directed to execute this requirement on behalf of DHS. Requested funding is critical to stand-up this new capability and avoid negative impacts to other Coast Guard missions.

- Response Boat – Medium: The FY 2007 request for **$24.8 million** is to begin low-rate initial production to replace 41-foot utility boats and non-standard boats.

- Maritime Security Response Team (MSRT): The FY 2007 request for **$4.7 million** is to provide additional personnel and transform the prototype Enhanced Maritime Safety and Security Team in Chesapeake, Virginia. into an MSRT, providing on-call maritime counter-terrorism response capacity. This request will also enhance maritime combating-terrorism training facilities at the Coast Guard Special Missions Training Center at Camp Lejeune, N.C.

Maximize Awareness. Securing our vast maritime borders depends upon our ability to enhance maritime domain awareness (MDA). Effectively addressing maritime vulnerabilities requires maritime strategies that not only "harden" targets but detect and defeat threats as far from U.S. shores as possible. Success requires improved awareness of the people, vessels and cargo approaching and moving throughout U.S. ports, coasts and inland waterways. Relevant budget initiatives include:

- Nationwide Automatic Identification System: **$11.2 million** to continue procurement plans and analysis for deployment of a nationwide system to identify, track and exchange information with vessels in the maritime domain.

- Maritime Domain Awareness: **$17 million** to support follow-on and new initiatives, including a new Coast Guard counterintelligence program, prototype Sector and Joint Harbor Operation Center support, and expanded secure communications system infrastructure.

- Deepwater C4ISR: **$60.8 million** to develop and install systems and subsystems that are part of the Deepwater Command, Control, Communications, Computer, Intelligence, Surveillance and Reconnaissance (C4ISR) system. This system is designed to support designated Coast Guard commanders in the exercise of authority while directing all assigned forces and first responders across the full range of Coast Guard operations. This system of "eyes and ears"

allows us to see, hear and communicate activity occurring within the maritime domain, which is critical to deterring and defeating threats before reaching our shores.

Improving the Nation's Maritime Domain Awareness

In spite of our service's best efforts, and those of our partner agencies, the nation is still subject to an estimated four malicious maritime incursions each week. These vessels bring illegal immigrants, narcotics and a variety of other contraband to our shores. Because of their ability to carry large varieties and quantities of persons and cargoes, they have the potential to be much more damaging to our economy and society than we have experienced to date. The phrase "finding a needle in a haystack" is an apt description of the challenge. The foundation of our maritime strategy relies on three key priorities:

- Achieve Maritime Domain Awareness;
- Establish and Lead a Maritime Security Regime; and
- Deploy Effective and Integrated Operational Capability.

These are not stand-alone goals, but rather part of an active system of layered maritime security. For example, the Maritime Transportation Security Act (MTSA) led to the establishment of domestic and international AIS carriage requirements for certain commercial vessels. But without investment in systems to collect, analyze and disseminate the AIS signals we lose the opportunity to assess threats early. Similarly, the detection, identification and interdiction of small vessels (that certainly do not advertise their position) used by smugglers throughout the Caribbean and Eastern Pacific requires persistent surveillance capabilities. In the end, Coast Guard assets must be capable of mounting a dependable response to identified threats lest we have information but not the capability to act. Put another way, having airborne sensors identify and track suspicious vessels is of little use without surface forces able to respond.

Coast Guard assets and systems are required to operate across a diverse operating area including within our ports, in the littoral region, and far offshore. Thanks to the strong support of the Administration, Congress and this Committee in particular, a number of initiatives are underway to transform Coast Guard capabilities. With regard to Maritime Domain Awareness we have made great strides, but we have much more to do, such as:

Partnerships
We are establishing partnerships to share information and better leverage resources. These efforts include partnerships between Federal departments, such as Project Seahawk in Charleston, and our Joint Harbor Operations Centers with the Navy and other partners in San Diego and Hampton Roads. We are working with local port authorities and other entities to share information from cameras, radar and other sensors to capitalize on existing capability. And internationally we are developing bilateral information sharing agreements with a number of other maritime nations, as well as pursing global solutions at the International Maritime Organization.

Research
We are also partnering with the Department of Homeland Security's Science and Technology directorate and the Domestic Nuclear Detection Office, as well as numerous entities within the Department of Defense, to explore technological solutions to some of our "thorniest" problems. These include converting a tethered aerostat from use detecting only airborne targets to a system that can also for maritime surveillance, investigating improved ways of associating information with vessel tracks, better detecting and identifying nuclear and radiological material, and intelligent software to aid in port and

harbor surveillance. We have just completed the first stage of an effort to look at probably our most difficult problem – accessing, correlating and organizing all relevant existing data about a given vessel, cargo or person. When complete, this will help us use the wealth of existing data to "connect the dots" and form clearer and more detailed pictures than we have been able to create to date.

Technology Deployment

Finally, we are taking a serious and deliberate look at all of our needs and how to prioritize and address them with technology that is available today. Through the Presidentially-chartered Maritime Domain Awareness Implementation Team, senior officials from across almost every Federal department are looking at roles, responsibilities, existing capabilities, and gaps in the Nation's maritime awareness. As co-chair of that group, along with Brigadier General Rudesheim from the Joint Staff at DoD, I will be helping to lead this effort to develop, among other things, an investment strategy that will help leverage existing capabilities and guide future budget efforts.

Conclusion

Mr. Chairman and members of the Committee, the Coast Guard continues to execute all of its missions, while continuing to improve maritime domain awareness. Vice Admiral Cross reported to you in March of this year, the Coast Guard's response to Hurricane Katrina gave the nation a renewed appreciation of the value of having our Coast Guard ready and able to bring the full force of its military and multi-mission, maritime assets to bear at a moment's notice. Likewise, during his confirmation hearings, Vice Admiral Allen emphasized the interconnected nature of the safety, security and defense issues successfully being managed every day by our Coast Guard and DHS partners in the maritime environment. Finally, in his final State of the Coast Guard Address, Admiral Collins recounted with justifiable pride the significant accomplishments that the men and women of our Coast Guard achieved during his final year as Commandant.

Mr. Chairman, the efforts and contributions of this very committee played a significant role in all those noteworthy achievements. For our entire military, civilian and volunteer Auxiliary team, we thank you for the opportunity to testify before you today. Mr. Chairman and members of the Committee, we will be happy to answer any questions you may have.

11 May: Coast Guard Capabilities
House Subcommittee on Coast Guard & Maritime Transportation
Witnesses: RDML Justice and RDML Nimmich

Questions for the Record from Rep. Ginny Brown-Waite

U.S. law requires that all vessels operating on the navigable waters of the United States that are 65-feet and over and all towing vessels 26-feet and over have an Automatic Identification System on board by 1 January 2005. But, Coast Guard regulations only require AIS if the vessel operates in an area where the Coast Guard maintains a Vessel Traffic Service. When is the Coast Guard going to promulgate regulations that enforce the law, requiring AIS collision avoidance systems on these vessels regardless of where they operate in the United States?

Response: The Coast Guard is finalizing work on proposed regulation that will address AIS coverage beyond Vessel Traffic Service (VTS) waters — to all U.S. navigable waters. The combined rulemaking is titled "Vessel Requirements for Notices of Arrival and Departure, and Automatic Identification System," docket number [USCG-2005-21869].

The current regulations (33 CFR 164.64) address all commercial self-propelled vessels—except fishing vessels and passenger vessels carrying less than 150 passengers for hire—greater than 65 feet, towing vessels greater than 26 feet and 600 horsepower, and passenger vessels certificated to carry more than 150 passengers; and, any vessel subject to SOLAS regulations (e.g. 300 GT or more on international voyage).

- These requirements apply only in VTS areas because, at the time of the regulations, VTS areas were the only places the Coast Guard had AIS reception and monitoring capability. Our Nationwide AIS project (NAIS), running in parallel to our AIS rulemaking, is proceeding to provide us full nation-wide AIS coverage.

Once approved by the Administration, additional information and any updated to the timeline will be provided to the public in the Federal Unified Regulatory Agenda that is published twice a year in the Federal Register.

11 May: Coast Guard Capabilities
House Subcommittee on Coast Guard & Maritime Transportation
Witnesses: RDML Justice and RDML Nimmich

U.S law requires that all vessels operating on the navigable waters of the United States that are 65-feet and over and all towing vessels 26-feet and over have on board an electronic chart system by 1 January 2007. To date there are no regulations in place to implement this requirement. When is the Coast Guard going to promulgate regulations implementing the law, prescribing electronic chart requirements that will enable these vessels to operate in compliance with the law? Please submit the timeline for this regulatory project. If the Coast Guard fails to prescribe electronic chart standards by 1 January 2007, will vessels that purchase any commercially available electronic chart and display system for their vessels be in compliance with the law?

Response: Subsection (b) in Section 410 of the Coast Guard and Maritime Transportation Authorization Act of 2004 states, "The Secretary of the department in which the Coast Guard is operating shall prescribe regulations implementing subsection (a) [vessels required to be equipped with and operate electronic charts] before January 1, 2007, including requirements for the operation and maintenance of the electronic charts required under subsection (a)." We are evaluating our options for meeting the January 1, 2007 deadline to prescribe regulations for electronic charts. The timeline has not been finalized. Since the section 410 deadline applies to the Secretary's responsibilities to prescribe regulations, and not to the vessels described in subsection (a), if the Coast Guard fails to prescribe electronic chart standards before January 1, 2007, owners and operators will not be subject to any requirements for compliance until such time as the Coast Guard prescribes commensurate regulations. Consequently, it is recommended that vessel owners and operators not procure or install electronic chart equipment with the intent of meeting electronic chart regulations yet to be finalized. Once electronic chart systems requirements have been fully determined they will be published in a Notice of Proposed Rulemaking.

11 May: Coast Guard Capabilities
House Subcommittee on Coast Guard & Maritime Transportation
Witnesses: RDML Justice and RDML Nimmich

It is estimated that annually 15% of the cocaine enter the U.S. by water. What additional Coast Guard resources (personnel and equipment) would be required to interdict 50% of the cocaine that is smuggled into the U.S. each year by water?

Response: The Coast Guard's strategy, in support of the President's National Drug Control Strategy, has been to disrupt the primary flow of cocaine (that leaves the source countries) in the transit zone. According to the Interagency Assessment of Cocaine Movement, 87 percent of the cocaine bound for the U.S. is shipped via non-commercial maritime means.

In Fiscal Year 2004, the Coast Guard removed 133.5 metric tons of cocaine, representing 30.7 percent of the non-commercial maritime flow. In Fiscal Year 2005, removals increased to 153.5 metric tons representing 27.3 percent of the non-commercial maritime flow. These record removal rates have been the result of the presence of more actionable intelligence, more capable interdiction assets and increased international engagement and bilateral treaties.

The Coast Guard has set a target to remove 35 percent non-commercial maritime flow cocaine by 2010, which is based on a fully funded Deepwater acquisition program, a robust and fully supported Operation Panama Express, effective international engagement to sustain existing and develop new bilateral agreements with key Central and South American countries, and a rapidly improving Common Operating Picture. To move closer to a goal of removing 50 percent of the cocaine bound for the U.S., more capable and reliable assets (Coast Guard, Department of Defense, other agency, etc) are required to support the detection and monitoring operations of the Joint Interagency Task Force – South (JIATF-S). In particular, additional Deepwater maritime patrol aircraft and surface end-game assets are needed to exploit all of the actionable intelligence being collected.

11 May: Coast Guard Capabilities
House Subcommittee on Coast Guard & Maritime Transportation
Witnesses: RDML Justice and RDML Nimmich

U.S. law requires that all towing vessels be inspected. When is the Coast Guard going to promulgate regulations regarding the inspection of towing vessels? This project has missed several stated deadlines. Please submit the timeline for this regulatory project.

Response: The Coast Guard has been working deliberately on development of a comprehensive regulation that will implement Coast Guard inspection of towing vessels. The Coast Guard plans to publish the notice of proposed rulemaking in the summer of 2007.

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How many additional Coast Guard personnel (military or civilians) are going to be required to inspect the estimated 4,000 towing vessels in the United States?

Response: The regulations for the Coast Guard certification of towing vessels are still under development. As a result, the Coast Guard has not definitively identified the extent and nature of Coast Guard personnel required to implement such a program.

Current estimates indicate approximately 5,200 towing vessels would be inspected. An ongoing study, scheduled to conclude this fall, should confirm the number of towing vessels affected. If the number of vessels to be inspected were to significantly increase, the Coast Guard would need to revisit the resource requirements necessary to carry out this program.

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In 1988 Congress passed the Commercial Fishing Vessel Safety Act requiring that the Secretary prescribe standards for the "operational stability" of commercial fishing vessels. [46 U.S.C. 4502(d)]. The Coast Guard has yet to prescribe regulations for fishing vessels less than 79-feet – despite the fact that the greatest number of fishing vessels lost each year are in the 40-70 foot range. When is the Coast Guard going to prescribe regulations for the "operational stability" of fishing vessels under 79-feet so that these vessels can comply with the law? Please submit the timeline for this regulatory project.

Response: The Coast Guard is currently developing a rulemaking that will address stability standards for fishing vessels between 50 and 79 feet in length. The Notice of Proposed Rulemaking (NPRM) is expected to be published in 2007.

Regulations addressing stability for all commercial fishing industry vessels were provided in a NPRM in 1990. Naval Architects for Fishing Vessel Safety, an ad hoc group from Seattle, WA, and others objected to the standards proposed as too harsh for vessels under 79 feet in length. The Coast Guard agreed and the stability standards included in the final rule published in August 1991 were applied only to vessels over 79 feet in length. In that final rule, the Coast Guard committed to addressing stability requirements for smaller vessels in a subsequent rulemaking.

In 1997, at the request of the Coast Guard, the Stability Subcommittee of the Commercial Fishing Industry Vessel Safety Advisory Committee identified stability standards they considered appropriate for vessels between 50 and 79 feet in length. Those recommendations were considered in development of stability standards that will be part of the upcoming NPRM.

The Coast Guard continues to be concerned about the stability of vessels less than 50 feet in length. We are considering appropriate standards for vessels in this size range, as well as other methods of reducing the loss of commercial fishing industry vessels from stability/watertight integrity related causes.

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Section 2104 of title 46, United States Code, authorizes the Secretary of the department in which the Coast Guard is operating to delegate the duties and powers conferred by Subtitle II of title 46 to any civilian employee of the Coast Guard. Does this section allow civilian employees of the Coast Guard to enforce all maritime safety laws on vessels at the dock – including those requirements contained in chapters 33 and 45 of title 46?

Response: 46 USC 2104 authorizes delegation of the duties and powers of the Secretary to, among others, civilian employees of the Coast Guard, including those duties and powers contained in Chapter 33 and 45 of Subtitle II of Title 46. However, what may be delegated is limited to the powers and duties in Subtitle II, and for purposes of this question, those particular chapters. 46 USC 2104 does not authorize delegation of powers and duties the Secretary may have under any other law not mentioned in that section.

Chapter 33 of Title 46, which subjects listed categories of vessels (but not commercial fishing vessels) to inspection for certification, allows Coast Guard civilians to board vessels subject to inspection (but not fishing vessels), on a schedule established by regulation to carry out the vessel inspection program. If the owner does not present its vessel for inspection, does not consent to or otherwise frustrates the inspection, the inspector may take action to "lift" the Certificate of Inspection, thus rendering further operation of the vessel illegal until such time as the Certificate is reinstated.

The authority provided in Chapter 45 over commercial fishing vessels is much more limited as to the types of vessels the Secretary "shall examine" for compliance with that chapter. The only vessels subject to mandatory examination under Chapter 45 are fish processing vessels and fish tender vessels engaged in the Aleutian trade. Commercial fishing vessels are not listed as being subject to mandatory examination. In fact, 46 USC 4502(d)(2), by authorizing the Secretary to accept evidence of compliance by fishing vessels with the requirements of that chapter, a certification of compliance from the person issuing insurance for the vessel or another qualified person, suggests Congressional disfavor for a regime whereby only Coast Guard military or civilian examiners performed this function.

There is no requirement that a commercial fishing vessel owner must subject his or her vessel to an examination at the dock under Chapter 45 of Title 46, by any Coast Guard member or employee. We note that the authority to board a commercial fishing vessel under the authority of 14 USC 89(a), is limited by that statute to Coast Guard officers, warrant officers and petty officers (i.e., civilian employees and Auxiliary members are not included).

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Please provide for the record the number of FTEs used to implement and enforce the maritime safety laws codified at Subtitle II of title 46, United States Code by program (including, but not limited to vessel inspection, uninspected vessel safety, including recreational vessels and commercial fishing vessel, licensing of personnel, and vessel documentation). Please provide a breakdown of how many FTEs in each program are military FTEs and how many are civilian FTEs.

Response: The multi-mission nature of Coast Guard units does not lend itself to accurately identifying FTE usage for specific 46 USC functions, or any other function. However, our multi-mission shore units were recently restructured (into sectors) to focus on prevention and response operations, and most Title 46 activities are performed by personnel in prevention positions who make up between one third and one half of sector personnel. In addition to supporting Subtitle II of Title 46 United States Code, Coast Guard personnel assigned to these positions also routinely support the safety, security, and environmental protection requirements in Title 33 and Title 49. Coast Guard prevention positions within Coast Guard Headquarters, the Marine Safety Center, National Maritime Center, National Vessel Documentation Center, Coast Guard Areas and Districts also contribute, among other duties, to implementing and enforcing Title 46 laws.

Although most Title 46 activities are performed by personnel in prevention positions, a few (recreational vessel and fishing vessel safety) are sometimes enforced at sea by personnel in response positions. These personnel are stationed at multi-mission stations, patrol boats and large cutters, and support a wide array of Coast Guard missions, including enforcement of Title 46.

STATEMENT OF THE HONORABLE FRANK A. LoBIONDO, CHAIRMAN – SUBCOMMITTEE ON COAST GUARD AND MARITIME TRANSPORTATION
OVERSIGHT HEARING ON COAST GUARD MISSION CAPABILITIES

MAY 11, 2006

The Subcommittee is meeting this morning to review the Coast Guard's capabilities to carry out its many traditional and maritime homeland security missions, as well as to examine the progress of several systems designed to enhance Maritime Domain Awareness.

Over the last five years, the Coast Guard's budget, personnel level and mission scope have expanded to meet the service's increased responsibilities for maritime homeland security. However, it is unclear whether these enhanced maritime homeland security responsibilities are affecting the Coast Guard's ability to carry out its many traditional missions.

A GAO report in 2004 revealed that resource hours for many of the Coast Guard's traditional missions have decreased as demands of the port security mission have increased. While I do not believe the number of hours devoted to each mission is a true indication of mission performance, I am concerned the Coast Guard's traditional missions may not be receiving the same level of priority as the homeland security missions.

At the same time, Coast Guard legacy vessels are increasingly unavailable due to operational restrictions or unscheduled maintenance caused by the unexpected deterioration of the assets. For instance, the 110-foot patrol boat fleet has experienced numerous hull failures creating an overall readiness gap. These vessels will be replaced under the Deepwater program, but I'm concerned how any shortfall in asset readiness will affect the Coast Guard's mission capabilities in the meantime.

I hope to hear more this morning on the Coast Guard's plans to maintain a balance between all of its missions and about the actions the Coast Guard has taken to improve the efficiency of each of its missions.

The Coast Guard is currently in the process of employing improved technology systems to enhance its awareness of activities occurring within the maritime domain. The Coast Guard has begun the nationwide implementation of the Automatic Identification System (AIS) in U.S. ports and coastal waters. AIS will enhance the Coast Guard's capabilities to target and track vessels as they enter and exit our Nation's ports. This system, when coupled with a long-range vessel tracking system, will allow the Coast Guard to monitor commercial vessel traffic up to 2000 miles from shore.

Under current law, the Coast Guard is required to develop and implement a long range vessel tracking system; however, no such system is in place today. I believe we must extend our tracking

capabilities beyond our immediate coastal waters. I realize the Coast Guard is working through the International Maritime Organization to develop international standards for such a system, but this should not stop the United States from instituting its own program in the interim.

I hope the witnesses will provide us an update on this important program and an idea of when we should expect a final system to be implemented.

Lastly, the Coast Guard is in the process of recapitalizing its maritime control, command and communications system through the Rescue 21 program. This program will allow Coast Guard personnel to respond faster to maritime emergencies through the use of direction-finding equipment that will aid in locating distressed mariners. Rescue 21 is already in place in my home state of New Jersey, and we have seen the tremendous upgrades this program provides.

I hope to hear more on the plan for the implementation of this system nationwide and on how the Coast Guard plans to incorporate the capabilities of this program with the service's other Maritime Domain Awareness initiatives.

I thank the witnesses for appearing this morning and I look forward to hearing their testimony.

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